

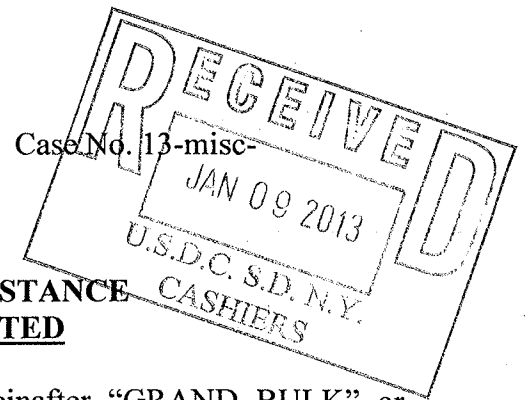
13 MISC 00008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re ex parte Application of Grand Bulk Shipping Limited,

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**APPLICATION FOR DISCOVERY ASSISTANCE
BY GRAND BULK SHIPPING LIMITED**

Petitioner, GRAND BULK SHIPPING LIMITED (hereinafter “GRAND BULK” or “Petitioner”), requests that the Court render discovery assistance with respect to an anticipated foreign legal proceeding, pursuant to 28 U.S.C. § 1782, for the reasons stated below. This application is supported by Petitioner’s separately filed Memorandum of Law in Support of Application for Discovery Assistance, and the accompanying declaration of Joanna Meadows.

1. Petitioner, GRAND BULK, entered into a charter party with STX PAN OCEAN CO. LTD. (“STX”) for the M/V DEWI PARWATI on or about December 5, 2011. As a result of STX’s breach of this charter party, GRAND BULK has incurred damages totaling USD 421,267.92, comprised of unpaid hire and damages arising from STX’s failure to redeliver the Vessel with same quantities of bunkers as on delivery (as required by the charter party). STX has asserted counter-claims against GRAND BULK in the amount of USD 681,504.38, as damages for loss of profit due to a lost sub-fixture with Zen-Noh
2. Pursuant to the terms of the charter party, GRAND BULK will commence arbitration in London, for damages arising from STX’s breach of the charter party.
3. Petitioner requests that the Court provide discovery assistance with respect to the anticipated London arbitration proceeding (the “Non-U.S. Proceeding”).

4. Specifically, Petitioner requests that STX's subsidiaries – STX Pan Ocean (Hong Kong) Co., Ltd.; and STX Pan Ocean (U.K.) Co. Ltd. (hereinafter the “New York entities”) – which are present in the Southern District of New York through their registered agents¹, be directed to provide the discovery, as set forth in Exhibit A, in support of the Non-U.S. Proceeding. A copy of an excerpt of STX's website, showing that the New York entities are subsidiaries of STX is attached hereto as Exhibit B.
5. Such assistance is expressly authorized by 28 U.S.C. § 1782, which provides that:

The district court of the district in which a person resides or is found *may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal...* The order may be made . . . *upon the application of any interested person* and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.
6. Section 1782 assistance is appropriate here because: (i) the New York entities “reside at or are found” in this district; (ii) Petitioner is an “interested person” (as a party to the Non-U.S. Proceeding); and (iii) the Non-U.S. proceeding will be pending before “a foreign or international tribunal.” *See Intel v. Advanced Micro Devices*, 542 U.S. 241 (2004).
7. Petitioner requests that the New York entities be directed to provide documents in accordance with the Federal Rules of Civil Procedure.
8. The subpoenas that Petitioner seeks to serve on the New York entities are attached as Exhibit A to this Petition.

¹ STX Pan Ocean (Hong Kong) Co. Limited and STX Pan Ocean (U.K.) Co., Ltd share the following registered agent: Patrick F. Lennon; Lennon, Murphy & Lennon, LLC; 420 Lexington Ave., Suite 300, New York, New York 10170.

9. In light of the foregoing, Petitioner respectfully requests that this application for assistance be granted. A proposed order is attached hereto as Exhibit C.

DATED: January 9, 2013
Oyster Bay, New York

Respectfully submitted,

CHALOS & Co, P.C.
Attorneys for Petitioner
Grand Bulk Shipping Limited



George M. Chalos, Esq. (GC-8693)
Katherine N. Christodoulatos (KC-1226)
55 Hamilton Avenue
Oyster Bay, New York 11771
Tel: (516) 714-4300
Fax: (516) 750-9051
Email: gmc@chaloslaw.com
kchristodoulatos@chaloslaw.com

EXHIBIT A

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

In re Ex Parte Application of Grand Bulk Shipping Limited

Plaintiff

v.

Defendant

Civil Action No.

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: STX Pan Ocean (Hong Kong) Co. Limited
 c/o Lennon, Murphy & Lennon, LLC, The Graybar Building, 420 Lexington Avenue, Suite 300, NY NY 10170

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Appendix A

Place: Chalos & Co, P.C. Attn: George M. Chalos & Katherine N. Christodoulatos 55 Hamilton Avenue, Oyster Bay, New York 11771	Date and Time: 30 Days from Service of Subpoena
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☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*_____
*Attorney's signature*The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____

Grand Bulk Shipping Limited _____, who issues or requests this subpoena, are:

George M. Chalos, Esq. (gmc@chaloslaw.com)
 Katherine N. Christodoulatos, Esq. (kchristodoulatos@chaloslaw.com)
 516-714-4300

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

APPENDIX A

1. Copies of all documents in your possession relating to the fixture of the M/V DEWI PARWATI by Zen-Noh, including a copy of the fixture purportedly agreed between STX PAN OCEAN CO. LTD. and Zen-Noh, and all correspondence containing details of the fixture agreement.
2. Copies of all documents and correspondence in your possession relating to the cancellation or threatened cancellation of the fixture of the M/V DEWI PARWATI by Zen-Noh, including correspondence between STX PAN OCEAN CO. LTD. and Zen-Noh and/or any third party with respect to the date of the alleged cancellation and the reason(s) for same.
3. Copies of all documents and correspondence in your possession relating to the performance of the fixture agreed between STX PAN OCEAN CO. LTD. and Zen-Noh (referenced in paragraph 1) by another Vessel, as an alternative to the M/V DEWI PARWATI.
4. Copies of all statements of account and/or invoices issued by STX PAN OCEAN CO. LTD. and/or Lansing Trade Group LLC relating to the fixture of the M/V DEWI PARTWATI on February 2, 2012, and proofs of payment for same.
5. Copies of all correspondence exchanged between STX PAN OCEAN CO. LTD. and Lansing Trade Group LLC and/or any third party regarding STX PAN OCEAN CO. LTD.'s re-fixing of the M/V DEWI PARWATI following Zen-Noh's alleged cancellation of its fixture of the Vessel.
6. Copies of any other documents or correspondence quantifying the alleged losses claimed by STX PAN OCEAN CO. LTD. with respect to Zen-Noh's cancellation of the fixture of the M/V DEWI PARWATI.

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

In re Ex Parte Application of Grand Bulk Shipping Limited

Plaintiff

v.

Defendant

Civil Action No.

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: STX Pan Ocean (U.K.) Co., Ltd.

c/o Lennon, Murphy & Lennon, LLC, The Graybar Building, 420 Lexington Avenue, Suite 300, NY NY 10170

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Appendix A

Place: Chalos & Co, P.C.
Attn: George M. Chalos & Katherine N. Christodoulatos
55 Hamilton Avenue, Oyster Bay, New York 11771

Date and Time: 30 Days from Service of Subpoena

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*_____
*Attorney's signature*The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____

Grand Bulk Shipping Limited, who issues or requests this subpoena, are:

George M. Chalos, Esq. (gmc@chaloslaw.com)

Katherine N. Christodoulatos, Esq. (kchristodoulatos@chaloslaw.com)

516-714-4300

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

APPENDIX A

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2. Copies of all documents and correspondence in your possession relating to the cancellation or threatened cancellation of the fixture of the M/V DEWI PARWATI by Zen-Noh, including correspondence between STX PAN OCEAN CO. LTD. and Zen-Noh and/or any third party with respect to the date of the alleged cancellation and the reason(s) for same.
3. Copies of all documents and correspondence in your possession relating to the performance of the fixture agreed between STX PAN OCEAN CO. LTD. and Zen-Noh (referenced in paragraph 1) by another Vessel, as an alternative to the M/V DEWI PARWATI.
4. Copies of all statements of account and/or invoices issued by STX PAN OCEAN CO. LTD. and/or Lansing Trade Group LLC relating to the fixture of the M/V DEWI PARTWATI on February 2, 2012, and proofs of payment for same.
5. Copies of all correspondence exchanged between STX PAN OCEAN CO. LTD. and Lansing Trade Group LLC and/or any third party regarding STX PAN OCEAN CO. LTD.'s re-fixing of the M/V DEWI PARWATI following Zen-Noh's alleged cancellation of its fixture of the Vessel.
6. Copies of any other documents or correspondence quantifying the alleged losses claimed by STX PAN OCEAN CO. LTD. with respect to Zen-Noh's cancellation of the fixture of the M/V DEWI PARWATI.

EXHIBIT B

Business

| Global Network

HOME > Business > Global Network

Introduction to the global network of STX, a representative business group in Korea that now realizing its dreams outside Korea

STX Business Group is a global enterprise which achieves 90% of its turnover through export.

It is equipped with an overseas network consisting of approximately 150 overseas local corporations and branches, dividing the world into seven regions. It operates various global businesses, from production to sales and logistics, by creating independent business opportunities.

section	country	city	corporate
Northeast Asia	China	Shanghai	STX (Shanghai) Corporation
			STX Pan Ocean (China) Co.,Ltd.
		Beijing	Beijing Branch of STX (Shanghai)
		Dalian	STX (Dalian) Holdings Co.,Ltd.
			STX (Dalian) Shipbuilding Co.,Ltd.
			STX (Dalian) Heavy IndustriesCo.,Ltd.
			STX (Dalian) Plant Co.,Ltd.
			STX (Dalian) Engine Co.,Ltd.
			STX (Dalian) Metal Co.,Ltd.
			STX Construction (Dalian) Co.,Ltd.
			STX (Dalian) Marine Engineering Co.,Ltd.
			STX (Dalian) Business Center Co.,Ltd.
			STX (Dalian) Information Technology Co.,Ltd.
			STX Real Property Development (Dalian) Co.,Ltd.
			STX Architectural Design Co.,Ltd.
			Dalian Branch of STX Pan Ocean (China)
			TMC / ForceTEC (Dalian) Co.,Ltd.

section	country	city	corporate
Southeast Asia	China	Qingdao	DaeSeung (Dalian) Logistics Co.,Ltd.
			Dalian DaeSeung Tech Co.,Ltd.
			Qingdao Branch of STX Pan Ocean (China)
			Qingdao STX International Logistics co.,Ltd.
			Qingdao STX-Keyun Logistics Co.,Ltd.
		Hong Kong	SEA WIN Shipping Co.,Ltd.
			Qingdao STX Machinery Co.,Ltd.
			STX China shipbuilding Holdings Co.,Ltd.
		Ningbo	STX Pan Ocean (Hong Kong) Co.,Ltd.
			Gulf Pacific Shipping Ltd.
	China	Ningbo	Ningbo Branch of STX Shanghai
			Ningbo Office of STX Pan Ocean
		Tianjin	Tianjin Branch of STX Pan Ocean (China)
			Tianjin STX - Sinotrans Logistics Co.,Ltd.
		Fushun	STX Fushun Heavy Industry Co.,Ltd.
		Guangzhou	Guangzhou Branch of STX Shanghai
		Shenzhen	STX Pan Ocean Shenzhen Office
		Wuxi	Wuxi Branch of STX Shanghai
		Xiamen	Xiamen Office of STX Pan Ocean
	Japan	Tokyo	STX Japan Corporation
			STX Container (Japan) Co.,Ltd.
	Mongolia	Ulaanbaatar	STX Global Logix Co.,Ltd.
			STX Mongolia LLC.
	Taiwan	Kaohsiung	STX Citinet LLC.
			Kaohsiung Office of STX Pan Ocean
Southeast Asia	Singapore	Singapore	STX International Trading (Singapore) Pte.,Ltd.
			STX Pan Ocean Singapore Pte.,Ltd.
			STX Pan Ocean Singapore Pte.,Ltd.
			STX Logistics Singapore Pte.,Ltd.
			STX Service Singapore Pte.,Ltd.
	Australia	Perth	STX Corporation Perth Representative office
		Melbourne	STX Heavy Industries Australia Pty.,Ltd.
	Indonesia	Jakarta	STX Construction Australia Pty.,Ltd.
			Melbourne Office of STX Pan Ocean
	Vietnam	Hanoi	STX Corporation Jakarta Office
		Hochiminh	Jakarta Office of STX Pan Ocean
	Guam	Guam	STX Corporation Hanoi Office
			STX Pan Ocean Hochiminh Representative Office
Middle East	UAE	Dubai	STX OSV Vung Tau Ltd.
			STX Younex Construction Co.,Ltd.
	India	Mumbai	Younex Enterprises Corporation
			STX Corporation Mumbai Office
	Malaysia	Kota Kinabalu	Mumbai Office of STX Pan Ocean
			STX HI Malaysia Sdn.,Bhd.
	Thailand	Bangkok	Bangkok office of STX PanOcean Co., Ltd.
			STX Middle East FZE.
	Saudi Arabia	Al-Khobar	STX Gulf Shipping DMCCO
			STX Heavy Industries - Abu Dhabi Branch.
			Tasameem-STX Construction Co.,LLC.
			STX Jabal Dhahran Co.,Ltd.
			Saudi STX Construction

section	country	city	corporate
	Iran	Riyadh	STX Heavy Industries - Riyadh Branch
		Tehran	STX Construction Saudi Branch
		Baghdad	STX Corporation Tehran Office
		Qatrania	STX Heavy Industries - Baghdad Office
		Jordan	STX Heavy Industries Co.,Ltd. Jordan
Europe	Norway	Oslo	STX Norway AS
		Florø	STX Norway Florø AS
		Alesund	STX OSV AS
		Aukra	STX OSV Aukra
		Brattvag	STX OSV Brattvag
		Brevik	STX OSV Brevik
		Tomrefjord	STX OSV Langsten
		Søvik	STX OSV Søviknes
	Finland	Turku	STX Finland Oy Turku
		Rauma	STX Finland Oy Rauma
		Helsinki	Arctech Helsinki Shipyard OY
	France	Saint-Nazaire	STX France SA
		Lorient	STX France Lorient SAS
	England	London	STX Corporation London Office
			STX Pan Ocean (U.K) Co.,Ltd.
	Netherlands	Lelystad	STX Windpower B.V
		Rotterdam (Spijkenisse)	STX Service Europe B.V.
	Greece	Athens	STX Corporation Athens Office
	Turkey	Istanbul	STX Corporation Istanbul Office
	Belgium	Antwerp	Antwerp Office of STX Pan Ocean
	Romania	Tulcea	STX OSV Tulcea SA
		Braila	STX OSV Braila SA
North America	USA	New Jersey	STX America INC.
		Houston	STX Pan Ocean (America), Inc.
			STX US Marine
			STX Service North/Central America
			STX Service Americas, LLC
			Portland Branch of STX America Inc.
		Portland	Portland Office of STX Pan Ocean Co.,Ltd.
		New Orleans	New Orleans Office of STX Pan Ocean
	Canada	Calgary (Alberta)	STX Energy Canada, Inc
		Vancouver	STX Canada Marine
South America	Brazil	Rio de Janeiro	STX Brazil Maritima Ltda.
		SAO Paulo	STX OSV Niteroi SA
			STX Brazil Maritima Ltda. SAO Paulo Branch Office
Africa	Chile	Santiago	Santiago Office of STX Pan Ocean
	Ghana	Accra	STX Ghana Limited
	Nigeria	Lagos	STX Engineering & construction Ghana Ltd.
			DTK Oceanic Limited

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re ex parte Application of Grand Bulk Shipping Limited, Case No. 12-misc-

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**ORDER GRANTING APPLICATION
FOR DISCOVERY ASSISTANCE**

THIS MATTER came before the Court pursuant to an Application for Discovery Assistance with Respect to Foreign Legal Proceedings (the "Application") by GRAND BULK SHIPPING LIMITED (hereinafter "GRAND BULK" or "Petitioner"), pursuant to 28 U.S.C. § 1782. Upon review of the Application, Petitioner's supporting memorandum and declaration, and the legal authorities associated with 28 U.S.C. § 1782, and being apprised of all pertinent matters, it is hereby ORDERED and ADJUDGED that:

1. The Petitioner's Application is GRANTED.
2. STX Pan Ocean (Hong Kong) Co., Ltd., and STX Pan Ocean (U.K.) Co. Ltd. are directed to respond to the subpoenas issued by GRAND BULK within the time set forth therein.
3. The Court shall retain jurisdiction over this matter for the purpose of enforcing this Order and assessing any supplemental request for discovery assistance that may be requested by Petitioner.

SO ORDERED:

UNITED STATES DISTRICT JUDGE